IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Patrycjusz Kosuń

Serial No: 10/790,323 Art Unit: 2629

Filing Date: February 27, 2004

Title: COMPUTER POINTING DEVICE

Examiner: Mahmoud Fatahi Yar

April 18, 2008 Attorney's Docket No.: LAC201PR

REQUEST FOR REINSTAMENT OF ERRONEOUSLY ABANDONED PATENT APPLICATION

Attention: Legal Staff
Box Abandonment
Assistant Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The above-identified application became abandoned. The Notice of Abandonment, mailed on March 18, 2008, states that the applicant failed to timely file a proper reply to the Office letter mailed on July 6, 2007. Applicant respectfully believes that the abandonment of the above-referenced application was made in error.

Applicant filed the following documents on December 6, 2007 in the above-referenced application:

04/29/2008 RFEKABU1 00000018 110224 10790323
01 FC:1464 130.00 DA

-Amendment dated December 6, 2007 (copy enclosed)

-Abstract of Disclosure (copy enclosed)

-Form PTO-2038 (copy enclosed)

Applicant encloses a copy of the Transmittal Letter, executed by the undersigned attorney on December 6, 2007, and a copy of the returned post card stamped by the Mail Room of the U.S. Patent and Trademark Office on December 10, 2007.

Furthermore, the Applicant has filed the following documents on December 10, 2007 in the above-referenced case:

-Supplemental Amendment dated December 10, 2007 (copy enclosed)

-3 Sheets of Drawings (copy enclosed)

Applicant encloses a copy of the Transmittal Letter, executed by the undersigned attorney on December 10, 2007, and a copy of the returned post card stamped by the Mail Room of the USPTO on December 13, 2007.

Applicant has noticed that each of the documents filed on December 6, and December 10, 2007 bears incorrect serial number, namely, **10/790,232** instead of **10/790,323.** Apparently, those documents were not assigned at the U.S. Patent and Trademark Office with the file serial number **10/790,323,** as intended by the applicant, but went astray and were assigned with the file serial number **10/790,232.**

Applicant believes that the headings of the Transmittal Letters signed on December 6, and December 10, 2007, the heading of the Amendment, dated December 6, 2007, and of the Supplemental Amendment, dated December 10, 2007, contained enough correct information like the filing date, the title of the invention, the name of the examiner, the art unit, and the name of the applicant, to allow a proper assignment of the papers filed on December 6, and December 10, 2007 to the file serial number **10/790,323** at the U.S. Patent and Trademark Office.

Moreover, the applicant believes that there was enough correct data on the headings of the applicant's papers filed on December 6, and December 10, 2007 to give the U.S. Patent and Trademark Office a notice of discrepancy between the serial number of the file on record at the U.S. Patent and Trademark Office and the serial number displayed by the applicant's papers filed on December 6, and December 10, 2007. Regretfully, the undersigned attorney has received no information from the U.S. Patent and Trademark Office about a mismatch of the serial numbers on papers filed December 6, and December 10, 2007.

It is long practice of the U.S. Patent and Trademark Office to contact by phone an attorney of record in case of a patent application that will be abandoned due to a lack of response to an outstanding Office Action. Regretfully, no such courtesy phone call was made in case of the above-identified patent application to verify the merits of the decision to abandon the application.

Applicant requests that the documents filed on December 6, and December 10, 2007 be coordinated to the official file of this application serial number **10/790,323.** Moreover, the Applicant requests the reinstatement of the above-referenced patent application since two responses to the Office Action of July 6, 2007 have been filed by the Applicant. In case the reinstatement of the application is not feasible, the Applicant requests that the present communication be treated as a petition under § 1.17 of 37 CFR. The Commissioner is authorized to charge the petition fee in the amount of $130.00 to the undersigned deposit account no. 11-0224.

Respectfully submitted

Patrucjusz Kocuń

Date: 4-21-2008

By: Horst M Kasper

Horst M. Kasper, his attorney,
13 Forest Drive, Warren, N.J. 07059
Tel.:(908)526-1717 Fax:(908)526-6977
Reg. No. 28,559; Docket No.: LAC201

*%(pto/sb/64/(04-18/2008(am

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Patrycjusz Kosun
Serial No: 10/790,232 323
Filing Date: February 27, 2004
Title: COMPUTER POINTING DEVICE
Examiner: Mahmoud Fatahi Yar

December 6, 2007 Attorney's Docket No.: LAC201A2

AMENDMENT

Hon. Commissioner of Patents and Trademarks
P.O. Box 1450
Alexandria, VA 22313

SIR:

This is in response to the Office Action mailed on July 6, 2007 and setting a shortened statutory period for response of three months to expire on October 6, 2007. Applicant petitions that, if required, the time for response be extended and the corresponding fee be charged. The Commissioner is hereby authorized to charge any additional fees which may be required to Acct. No. 11-0224. Applicant further respectfully requests that this response be accepted as a bona fide effort to meet any potential response requirements outstanding and due in the above captioned matter.

Please amend the application as follows:

IN THE CLAIMS:

MARKED-UP VERSION OF THE AMENDED CLAIMS:

1. (currently amended) A computer input pointing device which comprises its casing, an upper movable steering element, steering element's movement detector, and the system transmitting information about such movement to the computer, wherein the steering element (3) is ~~supported by a bearing attached~~ connected to the casing (2), with the possibility of two dimensional spherical movement, while the center of the spherical surface (4) defined by the movement of the steering element (3) in relation to the bearing is situated above ~~the largest horizontal secant section of~~ the steering element (3).

2. (currently amended) The input pointing device according to claim 1, wherein the center of the spherical surface (4) defined by the movement of the steering element (3) ~~in relation to the bearing~~ is situated above the steering element (3).

3. (currently amended) The input pointing device according to claim 1, wherein a location of a connection of the steering element to the casing (2) ~~said bearing~~ is a surface of spherical shape (21a).

4. (currently amended) The input pointing device according to claim 1, wherein a location of a connection of the steering element to the

casing (2) ~~said bearing~~ has a form of a rack composed of sections bent in a spherical way (21c).

5. (currently amended) The input pointing device according to claim 1 ~~or 3 or 4~~, wherein a location of a connection of the steering element to the casing (2) ~~said bearing~~ has ball bearings (21e).

6. (currently amended) The input pointing device according to claim 1, wherein a location of a connection of the steering element to the casing (2) ~~said bearing~~ is a ball bearing (21b).

7. (currently amended) [[The]] A computer input pointing device ~~according to claim 1,~~

which comprises its casing, an upper movable steering element, steering element's movement detector, and the system transmitting information about such movement to the computer, wherein the steering element (3) is connected to the casing (2), with the possibility of two dimensional spherical movement, while the center of the spherical surface (4) defined by the movement of

the steering element (3) in relation to the bearing is situated above the steering element (3),

wherein [[the]] said bearing

has a form of perpendicular, mutually connected flat rolling or sliding bearings (2If, 21g), of which one (2If) is connected to the steering element (3) and the other (21g) to the casing of the input pointing device (le).

8. (previously presented) The input pointing device according to claim 1, wherein the steering

element (3) rests freely on the said bearing.

9. (previously presented) The input pointing device according to claim 1, wherein the steering element (3) has a possibility of relocation only over the spherical surface defined by the movement of the steering element (3) in relation to the said bearing.

10. (previously presented) The input pointing device according to claim 9, wherein the said bearing is provided with a hole (22), whereas the steering element (3) comprises the upper part (31) and protective lower part (33); the latter prevents the steering element (3) from falling out of

the hole (22), both of which are linked by means of a connecting element (32) leading through the hole (22).

11. (currently amended) [[The]] A computer input pointing device ~~according to claim 9,~~

which comprises its casing, an upper movable steering element, steering element's movement detector, and the system transmitting information about such movement to the computer, wherein the steering element (3) is connected to the casing (2), with the possibility of two dimensional spherical movement, while the center of the spherical surface (4) defined by the movement of the steering element (3) in relation to the bearing is situated above the steering element (3),

wherein the steering element (3) has a possibility of relocation only over the spherical surface defined by the movement of the steering element (3) in relation to the said bearing,

wherein the steering element (3) has a hollow space inside (35) and a hole (36) in the lower surface, whereas the casing (2) has a protective upper part (24) which prevents the steering element (3) from being disconnected and

which is linked with the casing (2) by means of a connecting element (23) leading through the hole (36).

12. (previously presented) The input pointing device according to claim 9, wherein the steering element (3) is provided with a dome part (34) for user's hand.

13. (previously presented) The input pointing device according to claim 1, wherein the upper surface of the steering element (3) has an ergonomic shape adjusted to the shape of user's hand.

14. (previously presented) The input pointing device according to claim 1, wherein the upper surface of the steering element (3) has an ergonomic shape adjusted to the shape of user's finger.

15. (previously presented) The input pointing device according to claim 1, wherein the steering element (3) movement detector has a form of micro-camera (5a).

16. (previously presented) The input pointing device according to claim 1, wherein the steering element (3) movement detector is provided with a

light emitter (5b), whose ray, having been reflected from the steering element, is read by an optical sensor (5c).

17. (currently amended) The input pointing device according to claim 15 [[or 16]], wherein the steering element (3) is covered with a network of graphic perforations.

18. (previously presented) The input pointing device according to claim 1, wherein the steering element (3) movement detector has a form of a dome (5d) and a system

of perpendicular rollers (5e).

19. (previously presented) The input pointing device according to claim 1, wherein it is provided with repositioning elements which enable the steering element (3) to recover its central position after being relocated.

20. (previously presented) The input pointing device according to claim 19, wherein the repositioning element has a form of a spring (6a).

21. (currently amended) The input pointing device according to claim 1 [[or 19]], wherein it comprises a switch (8) for the steering element (3) movement detector, with a provision that the steering element (3) movement detector is ON while the steering element (3) and a location of a connection of the steering element to the casing (2) ~~said bearing in the casing~~ are being pressed by user's finger or hand.

22. (previously presented) The input pointing device according to claim 1, wherein it comprises supporting elements to maintain the steering element's (3) position after its relocation.

23. (currently amended) [[The]] A computer input pointing device ~~according to~~

~~claim 1,~~

which comprises its casing, an upper movable steering element, steering element's movement detector, and the system transmitting information about such movement to the computer, wherein the steering element (3) is connected to the casing (2), with the possibility of two dimensional spherical movement, while the center of the spherical surface (4)

defined by the movement of the steering element (3) in relation to the bearing is situated above the steering element (3),

wherein [[it]] the computer input pointing device comprises supporting elements to maintain the steering element's (3) position after relocation, with a provision that the connecting element (23,32) is built in a telescope fashion and the supporting elements comprise an electromagnet (7a) shortening the length of the connecting element as well as that of an adversely acting spring (7b), both of which are situated in the segments of the connecting element (23, 32).

REMARKS

Claims 1 - 23 continue to be in the case.

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, 'The disclosure concerns," 'The disclosure defined by this invention," 'The disclosure describes," etc.

2. The abstract of the disclosure is objected to because the abstract should be in a single paragraph and the recitations "Fig. 1" and "(23 claims)" recited at the bottom of the abstract should be deleted . Correction is required. See MPEP § 608.01 (b).

A revised Abstract of the Disclosure is attached to this Amendment.

3. Claims 3-8 and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 3-8 and 21, the recitation "the said...." sounds awkward. It is suggested it should be read as - said -.

Applicant amends claims 3 to 6 and 21 in this amendment.

4. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Poland on December 5, 2003. It is noted, however, that applicant has not filed a certified copy of the 363901 application as required by 35 U.S.C. 119(b).

Applicant very much appreciates the kind reminder regarding the missing certified copy of the priority document. However the applicant's attorney has mailed the priority document "POLAND Application No. P-363901, Filing date December 5, 2003" together with a claim for priority to the United States Patent and Trademark Office on or about May 25, 22004. A Return Postcard indicates that the Priority Document was received on May 28,2004 by the United States Patent and Trademark Office.

11. Claim 7 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Applicant very much appreciates the indication of allowable subject matter for claim 7. Claim 7 has been amended to place it in fully allowable form.

12. Claims 11 and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant very much appreciates the indication of allowable subject matter for claims 11 and 23. Claims 11 and 23 have been amended to place them in fully allowable form.

Reconsideration of all outstanding rejections is respectfully requested.

All claims as presently submitted are deemed to be in form for allowance and an early notice of allowance is earnestly solicited.

Respectfully submitted,

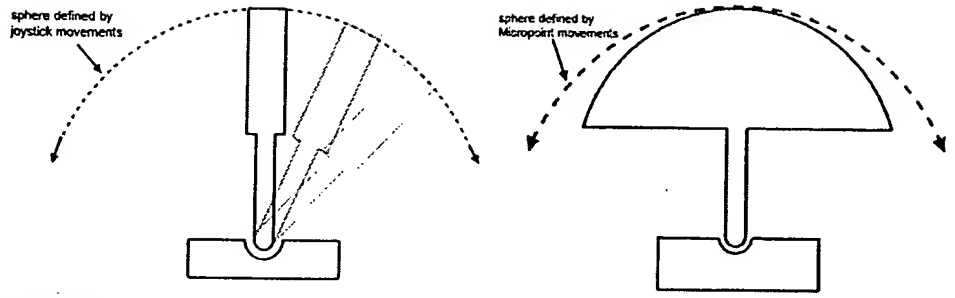
Patrycjusz Konsun

By: Horst M Kasper

Horst M. Kasper, his attorney,
13 Forest Drive, Warren, N.J. 07059
Tel.:(908)526-1717 Fax:(908)526-6977
Reg. No. 28,559; Docket No.: LAC201

Abstract of the Disclosure

The Invention relates to a computer input pointing device which comprises its casing (2), an upper movable steering element (3), steering element's movement detector (5a), and the system transmitting information about such movement to the computer. Such device is applicable especially in portable computers. To enhance ergonomics and the precision of steering element (3) movement as well as the comfort of its control, the steering element is supported by a bearing (21a) in the casing (2), with the possibility of two dimensional spherical movement, while the center of the spherical surface (4) defined by the movement of the steering element (3) in relation to the bearing is situated above the largest horizontal secant surface of the steering element (3).



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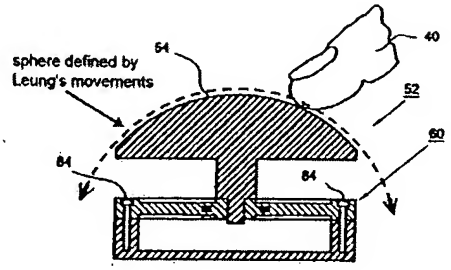

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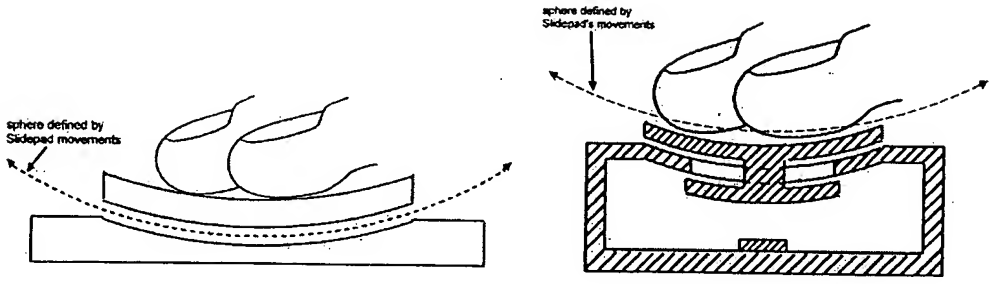

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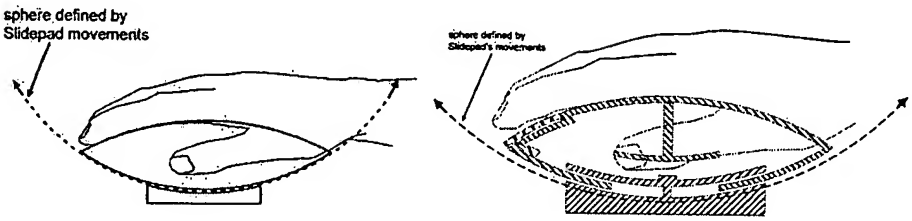

Fig. 7B

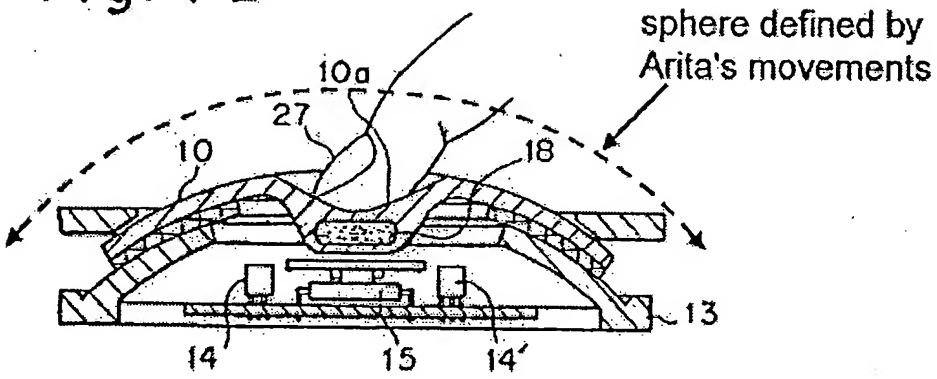
sphere defined by
Arita's movements
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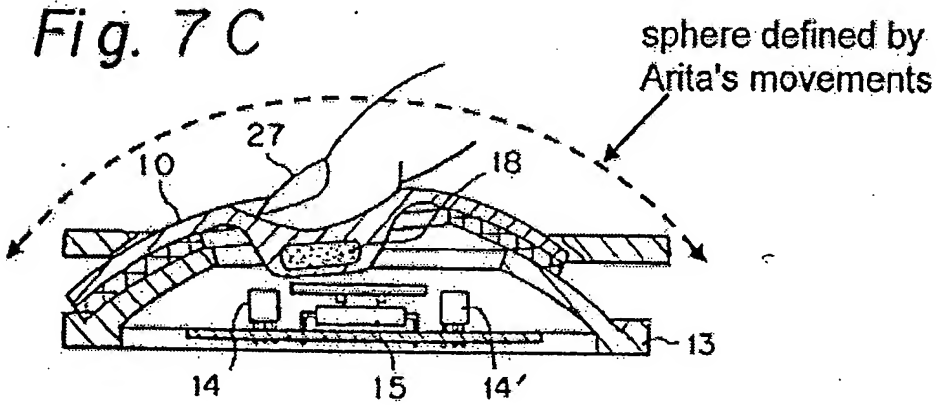
Fig. 7C


sphere defined by
Arita's movements
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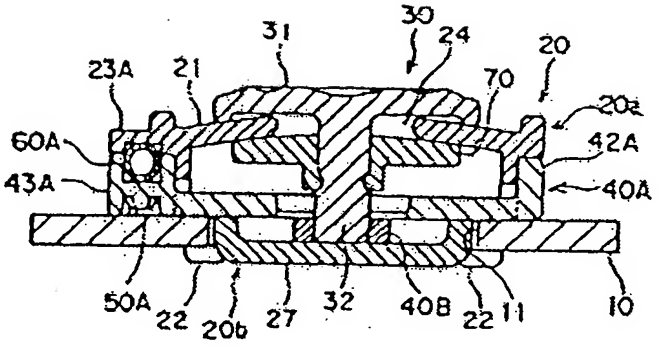
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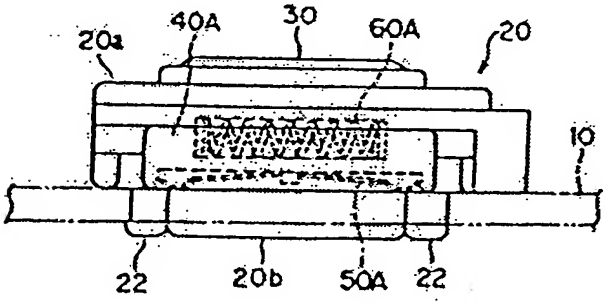
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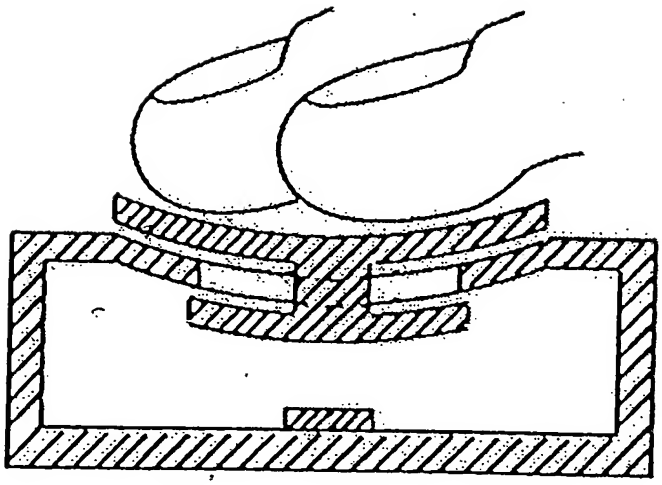

DAC/ JFR

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Patrycjusz Kosuń
Serial No: 10/790,323
Filing Date: February 27, 2004
Title: COMPUTER POINTING DEVICE
Examiner: Mahmoud Fatahi Yar Art Unit: 2629

April 18, 2008 Attorney's docket No.: LAC201T4

TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia, 22313-1450
SIR:
Transmitted herewith for filing is:
<X> REQUEST FOR REINSTAMENT OF ERRONEOUSLY ABANDONED PATENT APPLICATION dated April 18, 2008
<X> Copy of returned Post Card stamped on December 10, 2007
<X> Copy of Transmittal Letter dated December 6, 2007
<X> Copy of AMENDMENT dated December 6, 2007
<X> Copy of ABSTRACT OF DISCLOSURE
<X> Copy of FORM PTO-2038
<X> Copy of returned Post Card stamped on December 13, 2007
<X> Copy of Transmittal Letter dated December 10, 2007
<X> Copy of SUPPLEMENTAL AMENDMENT dated December 10, 2007
<X> Copy of 3 DRAWING SHEETS

(X) The applicant hereby petitions the Commissioner of Patents and Trademarks to extend the time for response to any Office Action outstanding in the above captioned matter as necessary to avoid abandonment of the application. Please charge my deposit account No.11-0224 in the amount required to cover the cost of the extension. Any deficiency or overpayment should be charged or credited to the above account.

(X) The Commissioner is hereby authorized to charge any fees under 37 C.F.R. 1.16, and 1.17, after a mailing of a Notice of Allowance under 37 CFR 1.18 or any additional fees which may be required during the entire pendency of the application, or credit any overpayment, to Acct. No.11-0224. A duplicate copy of this sheet is enclosed. If and only if account funds should be insufficient, immediately contact our associate, Lisa Zumwalt, at (703)415-0579, who will pay immediately to avoid deprivation of rights.

( ) Please charge my Deposit Account No.11-0224 in the amount of $_____. A duplicate copy of this sheet is enclosed.

A signature or signatures required for the above recited document(s) is (are) provided herebelow. Such signature(s) also provide(s) ratification for any required signature appearing to be defective in the above recited document(s).

Horst Kasper

Horst Kasper, 13 Forest Drive, Warren, N.J.07059
Reg. No. 28,559 Tel.(908)526-1717

MAILING CERTIFICATION: I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patent, P.O. Box 1450, Alexandria, Virginia 22313-1450, on APR 21 2008

Signature: _____ Date: APR 21 2008

*%Pci1:d:trans1(LAC201T4(April 18, 2008(am

DOCKET NO. LAC201
SERIAL NO. 10/790,232

The date stamp of the Patent Office hereon may be considered as the date on which papers indicated below were received

<X> AMENDMENT dated December 6, 2007
<X> ABSTRACT OF DISCLOSURE
<X> FORM PTO-2038

(Patent Office. Please stamp and return to the addressee on reverse side)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Patrycjusz Kosuń
Serial No: 10/790,232 323 Art Unit:
Filing Date: February 27, 2004
Title: COMPUTER POINTING DEVICE
Examiner: Mahmoud Fatahi Yar

December 6, 2007 Attorney's docket No.: LAC201T4

TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
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<X> FORM PTO-2038

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Horst Kasper

Horst Kasper, 13 Forest Drive, Warren, N.J.07059
Reg. No. 28,559 Tel.(908)526-1717

MAILING CERTIFICATION: I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patent, P.O. Box 1450, Alexandria, Virginia 22313-1450, on DEC 06 2007

Signature: _____ Date: DEC 06 2007

*%Pci1:d:trans1(LAC201T4(December 6, 2007(am

DOCKET NO. LAC201
SERIAL NO. 10/790,323

The date stamp of the Patent Office hereon may be considered as the date on which papers indicated below were received

<X> SUPPLEMENTAL AMENDMENT dated December 10, 2007
<X> 3 SHEETS OF DRAWINGS

(Patent Office. Please stamp and return to the addressee on reverse side)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Patrycjusz Kosuń
Serial No: 10/790,~~232~~ 323
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December 10, 2007 Attorney's docket No.: LAC201T4

TRANSMITTAL LETTER

Commissioner for Patents
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<X> 3 SHEETS OF DRAWINGS

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A signature or signatures required for the above recited document(s) is (are) provided herebelow. Such signature(s) also provide(s) ratification for any required signature appearing to be defective in the above recited document(s).

Horst M Kasper

Horst Kasper, 13 Forest Drive, Warren, N.J.07059
Reg. No. 28,559 Tel.(908)526-1717

MAILING CERTIFICATION: I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patent, P.O. Box 1450, Alexandria, Virginia 22313-1450, on DEC 10 2007

Signature: Kasper Date: DEC 10 2007

*%Pci1:d:trans1(LAC201T4(December 10, 2007(am

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Patrycjusz Kosun
Serial No: 10/790,~~232~~ 323
Filing Date: February 27, 2004
Title: COMPUTER POINTING DEVICE
Examiner: Mahmoud Fatahi Yar

December 10, 2007 Attorney's Docket No.: LAC201A3

SUPPLEMENTAL AMENDMENT

Hon. Commissioner of Patents and Trademarks
P.O. Box 1450
Alexandria, VA 22313

SIR:

This is in further response to the Office Action mailed on July 6, 2007 and setting a shortened statutory period for response of three months to expire on October 6, 2007. Applicant petitions that, if required, the time for response be extended and the corresponding fee be charged. The Commissioner is hereby authorized to charge any additional fees which may be required to Acct. No. 11-0224. Applicant further respectfully requests that this response be accepted as a bona fide effort to meet any potential response requirements outstanding and due in the above captioned matter.

Please amend the application as follows:

IN THE CLAIMS:

MARKED-UP VERSION OF THE AMENDED CLAIMS:

1. (currently amended) A computer input pointing device which comprises [[its]] a lower disposed casing, an upper movable steering element, steering element's movement detector, and the system transmitting information about such movement to the computer, wherein the steering element (3) is connected to the casing (2) by a connection, with the possibility of two dimensional spherical movement, while the center of the spherical surface (4) defined by the movement of the steering element (3) in relation to the ~~bearing~~ casing (2) is situated above [[~~[~~]] the steering element (3).

2. (previously presented) The input pointing device according to claim 1, wherein the center of the spherical surface (4) defined by the movement of the steering element (3) is situated above the steering element (3).

3. (currently amended) The input pointing device according to claim 1, wherein a ~~location of a~~ the connection of the steering element to the casing (2) is a surface of spherical shape (21a).

4. (canceled)

5. (currently amended) The input pointing device according to claim 1, wherein ~~a location of a~~ the connection of the steering element to the casing (2) has ball bearings (21e).

6. (currently amended) The input pointing device according to claim 1, wherein ~~a location of a~~ the connection of the steering element to the casing (2) is a ball bearing (21b).

7. (currently amended) A computer input pointing device

which comprises [[its]] a casing, an upper movable steering element, steering element's movement detector, and the system transmitting information about such movement to the computer, wherein the steering element (3) is connected to the casing (2) by a connection, with the possibility of two dimensional spherical movement, while the center of the spherical surface (4) defined by the movement of the steering element (3) in relation to the ~~bearing~~ casing (2) is situated above the steering element (3),

wherein said ~~bearing~~ connection has a form of perpendicular, mutually connected flat rolling or sliding bearings (2If, 21g), of which one (2If) is connected to the steering element (3) and the other (21g) to the casing of the input pointing device (1e).

8. (currently amended) The input pointing device according to claim 1, wherein the steering element (3) rests freely on the ~~said bearing~~ casing (2).

9. (currently amended) The input pointing device according to claim 1, wherein the steering element (3) has a possibility of relocation only over the spherical surface defined by the movement of the steering element (3) in relation to the ~~said bearing~~ connection.

10. (currently amended) The input pointing device according to claim 9, wherein the ~~said bearing~~ connection is provided with a hole (22), whereas the steering element (3) comprises the upper part (31) and protective lower part (33); the latter prevents the steering element (3) from falling out of the hole (22), both of which are linked by means of a connecting element (32) leading through the hole (22) , wherein a lower side of the upper part (31) has a convex surface and wherein an upper side of the protective lower part (33) has a concave surface.

11. (currently amended) A computer input pointing device

which comprises [[its]] a casing, an upper movable steering element, steering element's movement detector, and the system transmitting information about such movement to the computer, wherein the steering element (3) is connected to the casing (2) by a connection, with the possibility of two dimensional spherical movement,

while the center of the spherical surface (4) defined by the movement of the steering element (3) in relation to the ~~bearing~~ casing is situated above the steering element (3).

wherein the steering element (3) has a possibility of relocation only over the spherical surface defined by the movement of the steering element (3) in relation to the ~~said bearing~~ casing (2),

wherein the steering element (3) has a hollow space inside (35) and a hole (36) in the lower surface, whereas the casing (2) has a protective upper part (24) which prevents the steering element (3) from being disconnected and which is linked with the casing (2) by means of a connecting element (23) leading through the hole (36).

12. (previously presented) The input pointing device according to claim 9, wherein the steering element (3) is provided with a dome part (34) for user's hand.

13. (previously presented) The input pointing device according to claim 1, wherein the upper surface of the steering element (3) has an ergonomic shape adjusted to the shape of user's hand.

14. (canceled)

15. (previously presented) The input pointing device according to claim 1, wherein the steering element (3) movement detector has a form of micro-camera (5a).

16. (previously presented) The input pointing device according to claim 1, wherein the steering element (3) movement detector is provided with a light emitter (5b), whose ray, having been reflected from the steering element, is read by an optical sensor (5c).

17. (previously presented) The input pointing device according to claim 15, wherein the steering element (3) is covered with a network of graphic perforations.

18. (previously presented) The input pointing device according to claim 1, wherein the steering element (3) movement detector has a form of a dome (5d) and a system of perpendicular rollers (5e).

19. (canceled)

20. (canceled)

21. (canceled)

22. (canceled)

23. (currently amended) A computer input pointing device

which comprises [[its]] a casing, an upper movable steering element, steering element's movement detector, and the system transmitting information about such movement to the computer, wherein the steering element (3) is connected to the casing (2) by a connection, with the possibility of two dimensional spherical movement, while the center of the spherical surface (4) defined by the movement of the steering element (3) in relation to the ~~bearing~~ casing is situated above the steering element (3),

wherein the computer input pointing device comprises supporting elements to maintain the steering element's (3) position after relocation, with a provision that the connecting element (23,32) is built in a telescope fashion and the supporting elements comprise an electromagnet (7a) shortening the length of the connecting element as well as that of an adversely acting spring (7b), both of which are situated in the segments of the connecting element (23, 32).

24. (new) A computer input pointing device comprising

a casing (2) having on a side a ring of a sphere with a central opening with a diameter of the opening; wherein a radius of curvature of the ring of the sphere is disposed outside of the casing and wherein an outside surface is formed concave;

a steering element (3) having an outer spherical cap with a cap diameter larger than the diameter of the opening, wherein the outer spherical cap is disposed outside of the ring of the sphere and wherein a radius of curvature of the outer spherical cap is outside of the casing (2) and wherein an inside surface of the outer spherical cap is formed convex,

having an inner spherical cap with a cap diameter larger than the diameter of the opening, wherein the inner spherical cap is disposed inside of the ring of the sphere and wherein a radius of curvature of the inner spherical cap is substantially outside of the casing (2) and wherein an outside surface of the inner spherical cap is formed concave, and

having a centeredly disposed stub element solidly connecting the inner side of the outer spherical cap disposed toward the ring of the sphere to the outer side of the inner spherical cap disposed toward the ring of the sphere ;

a movement detector for detecting movement of the steering element (3); and

a transmission system connected to the movement detector for transferring movement information to a computer.

25. (new) The input pointing device according to claim 24, wherein a diameter of the outer spherical cap is larger than a diameter of the inner sphereical cap;

wherein the radius of curvature of the inner spherical cap is substantially equal to the radius of curvature of the outer spherical cap.

26. (new) The input pointing device according to claim 25,

wherein a radius of curvature of the ring of a sphere is substantially equal to the radius of curvature of the outer spherical cap.

REMARKS

Claims 1 to 3, 5 to 13, 15 to 17 and 23 continue to be in the case.

Claims 4, 14, and 19 to 22 are being cancelled.

New claims 24 to 26 are being introduced. Claims 24 to 26 are based on Figs. 1 to 3.

DETAILED ACTION

6. Claims 1-4, 8-9, 12-14 and 19-22 stand rejected under 35 U.S.C. 102(b) as being anticipated by Arita et al. (5,504,502).

Arita et al. discloses a computer input pointing device comprising a casing(13, 19), an upper movable dome shaped steering element(10), a steering element's movement detector(14, 14', 18), a bearing(13) attached to the casing, spring repositioning elements((column 7, lines 20-58; figures 13,15B and 16) and a switch (15) which all function as claimed.

Applicant respectfully traverses.

The sphere defined by the movements of the Arita et al. reference is convex disposed when viewed from above or from the outside of the device. In clear contrast, the sphere defined by the movements of the present invention is concave disposed when viewed from above or from the outside of the device.

This basic difference between the present invention and the reference Arita et al. has many subsidiary consequences for the respective devices. For example, as

shown in Figs 7A and 7B of the Arita et al. reference, a special recess is formed in the convex construction for being able to operate the device with a finger. In clear contrast, the upper part of the steering element (3) of the present application is already formed for being engaged by an operating finger based on the concave construction applied as shown in Fig. 1 of the present application.

8. Claims 5-6 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Arita et al in view of Leung(6,388,655B1).

Arita et al. is discussed above. Leung is cited to show that the concept of utilizing ball bearing(236, Figs 19, 22) for facilitating movement of a moveable steering element(182) of an input pointing device(180) is old. Thus, it would have been obvious to one of ordinary skill in the art to modify the system of Arita et al. with the noted teaching of Leung such that to provide ball bearings between the moveable steering element(10) and the bearing(13) because it would facilitate the movement between the two elements almost without any friction and secondly because both references are related to moveable cursor input device.

Applicant respectfully disagrees.

The reference Leung agrees with the reference Arita et al. to provide relative motion along a convex sphere, whereas the claims of the present invention require that the motion occurs along a concavely disposed sphere. Applicant urges that were two references agree not to do what applicant claims, that such references are unsuitable to be combined in showing obviousness of applicant's invention.

9. Claim 10 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Arita et al. in view of Miyoshi(6,667,733B2).

Arita et al. is discussed above. Miyoshi is cited to show that the concept of utilizing a moveable steering element(30) having an upper part(31), a protective lower part(32) and a connecting part(32) for connecting the upper and the lower parts together is old. Thus, it would have been obvious to one of ordinary skill in the art to modify the system of Arita et al. with the above noted teachings of Miyoshi such that the moveable steering element(slider 10) includes an upper and lower parts connected together so that to prevent the slider from falling through the hole (12a, 13a) because both references are related to mechanical structure of a slider input device.

Applicant respectfully disagrees.

The reference Arita et al. is respectfully traversed as above.

The reference Miyoshi teaches a pointing device, where a sliding mechanism is used. However, the reference Miyoshi does not teach a pointing device, where movement occurs along a sphere in a concave configuration as seen from above and from the outside and as claimed by the applicant.

10. Claims 16-17 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Arita et al. in view of Low et al.(2004/0046741 A1)

Arita et al. is discussed above. Low et al is cited to show that the concept of utilizing a light emitter and an optical sensor or a micro-camera as a movement detector for a moveable peripheral input device is old(see paragraphs[0024-0025]). Therefor, it would have been obvious to one of ordinary skill in the art modify the system of Arita et al. with the above noted teachings of Low et al such that to provide an optical detection system for detecting movement of the slider(10) as opposed to the magnetic detection system(14, 14', 18) because both are alternative equivalent to each other and further because both references are related to movement detection of a moveable peripheral input device.

Applicant respectfully disagrees. The reference Low et al. teaches a mouse having an optically based scrolling feature. The peripheral input device includes a housing and an optical touch pad carried by the housing. The optical touch pad is configured to translate finger motion into movements on the display screen.

In contrast to this teaching of the reference Low et al. claim 16 requires that there is alight emitter, that the light from the light emitter be reflected from the steering element and be read by an optical sensor. No touch pad is required as taught by the reference Low et al.

Claim 17 requires that the steering element be covered with a network of graphic perforations. As the reference Low et al. does not teach a steering element according to claim 1of the present application, the reference Low et al. also fails to teach a steering element with a network of graphic perforations.

Therefore, claim 16 and 17 are deemed to patentably define the invention over the references Arita et al. and Low et al.

Reconsideration of all outstanding rejections is respectfully requested.

All claims as presently submitted are deemed to be in form for allowance and an early notice of allowance is earnestly solicited.

Respectfully submitted,

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